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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,446	06/29/2001	Ippo Aoki	210672US2S	6359

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

QUINONES, ISMAEL C

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 05/06/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,446

Applicant(s)

AOKI ET AL.

Examiner

Ismael Quiñones

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on June 29, 2001 has being considered by the examiner and made of record in the application file.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Mobile Terminal Apparatus for Selecting a High Priority System at the Time of Turning Power On".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 4-5, 8-10 and 13** are rejected under 35 U.S.C. 102(e) as being anticipated by Blakeney, II et al. (U.S Pat. No. 6,466,802).

Regarding **claim 1**, Blakeney, II et al. disclose a mobile radio communication apparatus for use in a mobile radio communication system which includes base stations (A subscriber station or mobile radio communication apparatus that attempts communication in mobile radio communication system, such system including base stations or communication systems that cover a geographic region for providing wireless communication services; *col. 1, lines 14-17 and 49-58*), mobile radio communication apparatuses to be connected to the base stations over radio channels (Radio channels such as signals indicative of roaming conditions; *col. 1; lines 66-67*), and in which each of the base stations broadcasts a system ID number for identifying the base station (Each system or base station broadcasting a system identification (SID) to the subscriber; *col. 1, line 67 thru col. 2, line 4*), said apparatus comprising: first memory means for storing system ID numbers and priority data items (Wherein the subscriber station comprises a list of preferred systems or universal system table; *col. 2, lines 34-41; col. 4, lines 21-27*), each item associated with each of the system ID numbers and representing priority assigned to each base station, so as to be used to seize one base station (Wherein each item of the universal system table represents the system identification number and wherein such items are group according to a priority of ranking criteria; *col. 4, lines 30-40*); seizing means for receiving the broadcast system ID number in accordance with the priority data

item stored in said first memory means, for seizing the base station having the system ID number received, and for setting the apparatus in an idle state (Seizing means such as a system determination processor to select and subsequently acquired a system or base station in accordance with the system identification number, furthermore wherein said processor determines whether the acquired SID is a preferred system; *col. 3, lines 54-63; col. 4, lines 46-50; col. 6, lines 61-63; Figs. 2A-2C*); second memory means for storing the system ID number of the seized base station when a user operates the apparatus and inputs a turn-off instruction for turning off the apparatus, while the apparatus remaining in the idle state (Second memory means such as Most Recently Used (MRU) table for storing the SID of systems that have been most recently used by the subscriber station, wherein the MRU is implemented in a non-volatile memory thereof retaining the SID of the most recently seized or used system even after the subscriber station is turned-off or powered down; *col. 2, lines 60-62; col. 4, lines 19-22*); and control means for turning off the apparatus in response to the turn-off instruction (Wherein means for turning off or powering down the apparatus are fundamentally disclosed; *col. 4, lines 19-22*), for determining whether the apparatus receives a system ID number of higher priority than the system ID number stored in said second memory means (Wherein the subscriber station tries to find the SID number of the currently seized system in the MRU table, further determining if said seized system is one of higher or most desirable priority in the currently region wherein the subscriber station is located; *col. 5, lines 24-29; col. 6, line 61 thru col. 7, line 21*), in response to the turn-on instruction and by referring to the contents of said first memory means (Wherein in the step for determining if the system is

one of higher or most desirable priority the system determination processor compares the SID found on the MRU to the first memory means or universal system table; *col. 6, line 61-63*), and for seizing the base station having the system ID number of higher priority and setting the apparatus in the idle state when the apparatus receives the system ID number of higher priority (Wherein if it is determined that the system or base station is a most desirable system, then service is provided to the subscriber station by means of said system; *col. 7, lines 16-21*).

Regarding **claim 4**, and as applied to claim 1, Blakeney, II et al. disclose the aforementioned apparatus, wherein said control means operates such that a geographical area into which the apparatus has moved is identified (Wherein the geographic region in which a system serves is indicated according to desirability of acquiring service through that system; *col. 8 lines 1-41*), said seizing means receives one of the broadcast system ID numbers in accordance with the geographical area identified (Wherein the SID of the system is relative to geographic area identified; *col. 8, lines 13-19*), and seizes a base station having the one of the system ID number received by said seizing means and sets the apparatus in the idle state (Wherein if it is determined that the system or base station is a most desirable system, then service is provided to the subscriber station by means of said system; *col. 7, lines 16-21*).

Regarding **claim 5**, Blakeney, II et al. disclose a mobile radio communication apparatus for use in a mobile radio communication system which includes base stations (A subscriber station or mobile radio communication apparatus that attempts communication in mobile radio communication system, such system including base

stations or communication systems that cover a geographic region for providing wireless communication services; *col. 1, lines 14-17 and 49-58*), mobile radio communication apparatuses to be connected to the base stations over radio channels (Radio channels such as signals indicative of roaming conditions; *col. 1; lines 66-67*), and in which each of the base stations broadcasts a system ID numbers for identifying the base station (Each system or base station broadcasting a system identification (SID) to the subscriber; *col. 1, line 67 thru col. 2, line 4*), said apparatus comprising: first memory means for storing system ID numbers and priority data items (Wherein the subscriber station comprises a list of preferred systems or universal system table; *col. 2, lines 34-41; col. 4, lines 21-27*), each item associated with each of the system ID numbers and representing priority assigned to each base station, so as to be used to seize one base station (Wherein each item of the universal system table represents the system identification number and wherein such items are group according to a priority of ranking criteria; *col. 4, lines 30-40*); first seizing means for receiving the broadcast system ID number in accordance with the priority data item stored in said first memory means, for seizing the base station having the system ID number received, and for setting the apparatus in an idle state (Seizing means such as a system determination processor to select and subsequently acquired a system or base station in accordance with the system identification number, furthermore wherein said processor determines whether the acquired SID is a preferred system; *col. 3, lines 54-63; col. 4, lines 46-50; col. 6, lines 61-63; Figs. 2A-2C*); second memory means for storing the system ID number of the seized base station when a user operates the apparatus and inputs a turn-off instruction for turning off the apparatus,

while the e apparatus remaining in the idle state (Second memory means such as Most Recently Used (MRU) table for storing the SID of systems that have been most recently used by the subscriber station, wherein the MRU is implemented in a non-volatile memory thereof retaining the SID of the most recently seized or used system even after the subscriber station is turned-off or powered down; *col. 2, lines 60-62; col. 4, lines 19-22*); second seizing means for seizing the base station having the system ID number stored in said second memory means and setting the apparatus in an idle state when the apparatus is turned on (Wherein after powering up the subscriber station, the subscriber station attempts to acquire first the systems stored in the second memory means from the MRU table; *col. 2, lines 55-62; col. 4, lines 50-56; col. 5, lines 24-29*); and control means for determining whether the apparatus receives a system ID number of higher priority than the system ID number of the base station seized by said second seizing means, by referring to the contents of said first memory means (Wherein the subscriber station system determination processor tries to find the SID number of the currently seized system in the MRU table, further comparing the SID number those preferred systems stored on first memory means or universal system table, determining if said seized system is one of higher or most desirable priority in the currently region wherein the subscriber station is located; *col. 5, lines 24-29; col. 6, line 61 thru col. 7, line 21*), and for seizing the base station having the system ID number of higher priority and setting the apparatus in the idle state when the apparatus receives the system ID number of higher priority (Wherein if it is determined that the system or base station is a most

desirable system, then service is provided to the subscriber station by means of said system; *col. 7, lines 16-21*).

Regarding **claim 8**, and as applied to claim 5, Blakeney, II et al. disclose the aforementioned apparatus, which further comprises decision means for determining whether the system ID number of the base station seized by said second seizing means is stored in said first memory means (Wherein the system determination processor attempts connectivity through a most desirable system seeking through the listing of preferred systems stored in the first memory means (Universal System Table); *col. 6, lines 61-63*), if the system ID number is not stored in said first memory means, said control means sets the apparatus into an idle state after detecting a control signal broadcast from a base station (Wherein the subscriber station awaits user intervention if no systems can be acquired after seeking through the listing of the first memory means; *col. 7, lines 35-52*) and identifying, based on the control signal, a geographical area in which the base station is provided (Wherein the geographic region in which a system serves is indicated according to desirability of acquiring service through that system; *col. 3, lines 25-34; col. 8 lines 1-41*).

Regarding **claim 9**, and as applied to claim 5, Blakeney, II et al. discloses the aforementioned apparatus, wherein said control means operates such that a geographical area into which the apparatus has moved is identified (Wherein the geographic region in which a system serves is indicated according to desirability of acquiring service through that system; *col. 8 lines 1-41*), said seizing means receives one of the broadcast system ID numbers in accordance with the identified geographical area (Wherein the SID of the

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system is relative to geographic area identified; *col. 8, lines 13-19*), and seizes a base station having the one of the system ID number received by said first seizing means and sets the apparatus in the idle state (Wherein if it is determined that the system or base station is a most desirable system, then service is provided to the subscriber station by means of said system; *col. 7, lines 16-21*).

Regarding **claim 10**, Blakeney, II et al. disclose a mobile radio communication apparatus for use in a mobile radio communication system which includes base stations (A subscriber station or mobile radio communication apparatus that attempts communication in mobile radio communication system, such system including base stations or communication systems that cover a geographic region for providing wireless communication services; *col. 1, lines 14-17 and 49-58*), mobile radio communication apparatuses to be connected to the base stations over radio channels (Radio channels such as signals indicative of roaming conditions; *col. 1; lines 66-67*), and in which each of the base stations broadcasts a system ID number for identifying the base station (Each system or base station broadcasting a system identification (SID) to the subscriber; *col. 1, line 67 thru col. 2, line 4*), said apparatus comprising: first memory means for storing system ID numbers, priority data items (Wherein the subscriber station comprises a list of preferred systems or universal system table; *col. 2, lines 34-41; col. 4, lines 21-27*), each item associated with each of the system ID numbers and representing priority assigned to each base station, so as to be used to seize one base station (Wherein each item of the universal system table represents the system identification number and wherein such items are group according to a priority of ranking criteria; *col. 4, lines 30-40*); seizing means for

receiving the broadcast system ID number in accordance with the priority data item stored in said first memory means, for seizing the base station having the system ID number received, and for setting the apparatus in an idle state (Seizing means such as a system determination processor to select and subsequently acquired a system or base station in accordance with the system identification number, furthermore wherein said processor determines whether the acquired SID is a preferred system; *col. 3, lines 54-63; col. 4, lines 46-50; col. 6, lines 61-63; Figs. 2A-2C*); second memory means for storing the system ID number of the seized base station if the system ID number of the seized base station is included in said first memory means in accordance with turn-off operation during the idle state (Second memory means such as Most Recently Used (MRU) table for storing the SID of systems that have been most recently used by the subscriber station, wherein the MRU is implemented in a non-volatile memory thereof retaining the SID of the most recently seized or used system even after the subscriber station is turned-off or powered down; *col. 2, lines 60-62; col. 4, lines 19-22*); and control means for turning off the apparatus in response to the turn-off instruction (Wherein means for turning off or powering down the apparatus are fundamentally disclosed; *col. 4, lines 19-22*) and for seizing the base station having the system ID number stored in said second memory means and setting the apparatus in the idle state when the user operates the apparatus and inputs a turn-on instruction for turning on the apparatus (Wherein after powering up the subscriber station, the subscriber station attempts to acquire first the systems stored in the second memory means from the MRU table; *col. 2, lines 55-62; col. 4, lines 50-56; col. 5, lines 24-29*).

Regarding **claim 13**, and as applied to claim 10, Blakeney, II et al. disclose the aforementioned apparatus, wherein said control means operates such that a geographical area into which the apparatus has moved is identified (Wherein the geographic region in which a system serves is indicated according to desirability of acquiring service through that system; *col. 8 lines 1-41*), said seizing means receives one of the broadcast system ID numbers in accordance with the geographical area identified (Wherein the SID of the system is relative to geographic area identified; *col. 8, lines 13-19*), and seizes a base station having the one of the system ID number received by said seizing means and sets the apparatus in the idle state (Wherein if it is determined that the system or base station is a most desirable system, then service is provided to the subscriber station by means of said system; *col. 7, lines 16-21*).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. **Claims 2-3, 6-7, and 11-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeney, II et al. (U.S. Pat. No. 6,466,802) in view of Bamburak et al. (U.S. Pat. No. 6,311,064).

Regarding **claim 2**, and as applied to claim 1, Blakeney, II et al. disclose the aforementioned apparatus, wherein the system ID number stored in said second memory means. Blakeney, II et al. fail to clearly specify said system ID number written into said first memory means if the system ID number is not stored in said first memory means.

In the same field of endeavor, Bamburak et al. disclose a communication device that receives a SID or system ID number that may not be in a preferred system table such as a first memory means, wherein communication device executes search algorithms to locate a desirable system/service provider, subsequently when a desirable system/service provider is located, said first memory means update its list regarding the previously unlisted geographic identifier at which the desirable system/service provider is located

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(col. 3, lines 54-62; col. 10, lines 24-29, and lines 63-64; col. 10, line 66 thru col. 11, lines 8; col. 11, lines 39-42; col. 11, lines 63 thru col. 12, line 2; col. 12, lines 11-14).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Blakeney, II et al. method and apparatus for selecting a most preferred system to include updating features for a preferred or high priority system list, for the purpose of providing awareness to the communication device about all the possible systems surrounding a geographical area when establishing suitable communications according to the requirements of the communication device.

Regarding **claim 3**, and as applied to claim 1, Blakeney, II et al. disclose the aforementioned apparatus comprising receiving means for receiving the broadcast system ID number (*col. 9, lines 1-9*), and said control means writes the received system ID number into a most recently used memory means. Blakeney, II et al. fail to clearly specify writing the received system ID number into said first memory means when the received broadcast system ID number is different from any one of the system ID numbers stored in said first memory means.

In the same field of endeavor, Bamburak et al. disclose a communication device that receives a broadcasted system ID number that may not be in a different system ID number from those stored in a preferred system table such as a first memory means, wherein communication device tries to match the broadcasted system ID number, executing search algorithms to locate a desirable system/service provider, subsequently when an acceptable system/service provider is located, said first memory means update its list regarding the previously unlisted geographic identifier at which the desirable

system/service provider is located (*col. 3, lines 54-62; col. 10, lines 24-29, and lines 63-64; col. 10, line 66 thru col. 11, lines 8; col. 11, lines 39-42; col. 11, lines 63 thru col. 12, line 2; col. 12, lines 11-14*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Blakeney, II et al. method and apparatus for selecting a most preferred system to include updating features for a preferred or high priority system list, for the purpose of providing awareness to the communication device about all the possible systems surrounding a geographical area when establishing suitable communications according to the requirements of the communication device.

Regarding **claim 6**, and as applied to claim 5, Blakeney, II et al. disclose the aforementioned apparatus, wherein the system ID number stored in said second memory means. Blakeney, II et al. fail to clearly specify said system ID number written into said first memory means if the system ID number is not stored in said first memory means.

In the same field of endeavor, Bamburak et al. disclose a communication device that receives a SID or system ID number that may not be in a preferred system table such as a first memory means, wherein communication device executes search algorithms to locate a desirable system/service provider, subsequently when a desirable system/service provider is located, said first memory means update its list regarding the previously unlisted geographic identifier at which the desirable system/service provider is located (*col. 3, lines 54-62; col. 10, lines 24-29, and lines 63-64; col. 10, line 66 thru col. 11, lines 8; col. 11, lines 39-42; col. 11, lines 63 thru col. 12, line 2; col. 12, lines 11-14*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Blakeney, II et al. method and apparatus for selecting a most preferred system to include updating features for a preferred or high priority system list, for the purpose of providing awareness to the communication device about all the possible systems surrounding a geographical area when establishing suitable communications according to the requirements of the communication device.

Regarding **claim 7**, and as applied to claim 5, Blakeney, II et al. disclose the aforementioned apparatus comprising receiving means for receiving the broadcast system ID number (*col. 9, lines 1-9*), and said control means writes the received system ID number into a most recently used memory means. Blakeney, II et al. fail to clearly specify writing the received system ID number into said first memory means when the received broadcast system ID number is different from any one of the system ID numbers stored in said first memory means.

In the same field of endeavor, Bamburak et al. disclose a communication device that receives a broadcasted system ID number that may not be in a different system ID number from those stored in a preferred system table such as a first memory means, wherein communication device tries to match the broadcasted system ID number, executing search algorithms to locate a desirable system/service provider, subsequently when an acceptable system/service provider is located, said first memory means update its list regarding the previously unlisted geographic identifier at which the desirable system/service provider is located (*col. 3, lines 54-62; col. 10, lines 24-29, and lines 63-*

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64; col. 10, line 66 thru col. 11, lines 8; col. 11, lines 39-42; col. 11, lines 63 thru col. 12, line 2; col. 12, lines 11-14).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Blakeney, II et al. method and apparatus for selecting a most preferred system to include updating features for a preferred or high priority system list, for the purpose of providing awareness to the communication device about all the possible systems surrounding a geographical area when establishing suitable communications according to the requirements of the communication device.

Regarding **claim 11**, and as applied to claim 10, Blakeney, II et al. disclose the aforementioned apparatus, wherein the system ID number stored in said second memory means. Blakeney, II et al. fail to clearly specify said system ID number written into said first memory means if the system ID number is not stored in said first memory means.

In the same field of endeavor, Bamburak et al. disclose a communication device that receives a SID or system ID number that may not be in a preferred system table such as a first memory means, wherein communication device executes search algorithms to locate a desirable system/service provider, subsequently when a desirable system/service provider is located, said first memory means update its list regarding the previously unlisted geographic identifier at which the desirable system/service provider is located (*col. 3, lines 54-62; col. 10, lines 24-29, and lines 63-64; col. 10, line 66 thru col. 11, lines 8; col. 11, lines 39-42; col. 11, lines 63 thru col. 12, line 2; col. 12, lines 11-14).*

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Blakeney, II et al. method and apparatus for

selecting a most preferred system to include updating features for a preferred or high priority system list, for the purpose of providing awareness to the communication device about all the possible systems surrounding a geographical area when establishing suitable communications according to the requirements of the communication device.

Regarding **claim 12**, and as applied to claim 10, Blakeney, II et al. disclose the aforementioned apparatus comprising receiving means for receiving the broadcast system ID number (*col. 9, lines 1-9*), and said control means writes the received system ID number into a most recently used memory means. Blakeney, II et al. fail to clearly specify writing the received system ID number into said first memory means when the received broadcast system ID number is different from any one of the system ID numbers stored in said first memory means.

In the same field of endeavor, Bamburak et al. disclose a communication device that receives a broadcasted system ID number that may not be in a different system ID number from those stored in a preferred system table such as a first memory means, wherein communication device tries to match the broadcasted system ID number, executing search algorithms to locate a desirable system/service provider, subsequently when an acceptable system/service provider is located, said first memory means update its list regarding the previously unlisted geographic identifier at which the desirable system/service provider is located (*col. 3, lines 54-62; col. 10, lines 24-29, and lines 63-64; col. 10, line 66 thru col. 11, lines 8; col. 11, lines 39-42; col. 11, lines 63 thru col. 12, line 2; col. 12, lines 11-14*).

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Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Blakeney, II et al. method and apparatus for selecting a most preferred system to include updating features for a preferred or high priority system list, for the purpose of providing awareness to the communication device about all the possible systems surrounding a geographical area when establishing suitable communications according to the requirements of the communication device.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Aoki et al. (JP 2002016962), Mobile Terminal which can be connected to a high priority provider at the time of turning on power.
 - b. Cooper (U.S. P.G.-Pub. 2003/0134637), Method and apparatus for efficient selection and acquisition of a wireless communications system.

11. Any response to this Office Action should be **faxed to** (703) 872-9306 or **mailed to:**

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

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Hand-delivered responses should be brought to

Crystal Park II

2021 Crystal Drive

Arlington, VA 22202

Sixth Floor (Receptionist)

12. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

13. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379, and fax number is (703) 746-9818. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

Ismael Quiñones

I.Q.

April 23, 2004

Marsha D Banks-Harold

MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600